



Entered on Docket
September 23, 2011

A handwritten signature in black ink, appearing to read "R. B."

Hon. Linda B. Riegle
United States Bankruptcy Judge

LEWIS AND ROCA LLP

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Attorneys for USACM Liquidating Trust

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR
Chapter 11

**Order Sustaining Eighth Omnibus
Objection Of USACM Trust To Proofs Of
Claim Based In Part Upon Investment In
The Gess Loan**

Hearing Date: August 30, 2011
Hearing Time: 10:30 a.m.

The Court having considered the "Eighth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Gess Loan," ("Gess Loan") [DE 8637] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed

1 on **Exhibit A** does not affect the direct lenders' right to repayment by the borrower or from
2 the collateral securing the Gess Loan; and good cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8637] is sustained; and
5 2. The claims listed on **Exhibit A** attached are disallowed to the extent those
6 claims are based upon an investment in the Gess Loan.

7
8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9
10 **LEWIS AND ROCA LLP**

11 By /s/ John Hinderaker (AZ #018024)

12 Robert M. Charles, Jr.
13 John Hinderaker (*pro hac vice*)
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19 *Attorneys for USACM Liquidating Trust*

1 LOCAL RULE 9021 CERTIFICATION
23 In accordance with LR 9021, counsel submitting this document certifies that the order
4 accurately reflects the court's ruling and that (check one):
56 _____ This Court has waived the requirement set forth in LR 9021(b)(1).
78 XXX No party appeared at the hearing or filed an objection to the motion.
910 _____ I have delivered a copy of this proposed order to all counsel who
11 appeared at the hearing, and any unrepresented parties who appeared
12 at the hearing, and each has approved or disapproved the order, or
13 failed to respond, as indicated below [list each party and whether the
party has approved, disapproved, or failed to respond to the
document]:14 Counsel appearing: _____
1516 _____ I certify that this is a case under Chapter 7 or 13, that I have served a
17 copy of this order with the motion pursuant to LR 9014(g), and that
18 no party has objected to the form or content of the order
19

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

21 Submitted by:
22 LEWIS AND ROCA LLP23 By: /s/ John Hinderaker. (AZ #018024)
24 Attorneys for USACM Liquidating Trust25 # # #
26

**USACM Trust
6425 Gess, Ltd.
Multiple Loan Claims**

Claim	Date Claim was Filed	Name	Address	Total Claim Amount	Approximate Amount Subject to Objection Because it Relates to an Investment In the 6425 Gess, LTD Loan
10725-02325	1/13/2007	Kantor, Dr Gary L	C/O Michael M Schmahl McGuire Woods LLP 77 W Wacker Dr. Ste 4100 Chicago, IL 60601	Unknown	Unknown
10725-02312	1/13/2007	Kantor, Lynn M Fka Lynn Maguire	C/O Michael M Schmahl McGuire Woods LLP 77 W Wacker Dr. Ste 4100 Chicago, IL 60601	Unknown	Unknown
10725-01868	1/5/2007	Kefalas Trust Dtd 7/3/97	C/O Kenneth & Debbie Kefalas Teees 2742 Carina Way Henderson, NV 89052-4055	510,000.00	150,000.00
10725-00702	10/24/2006	Lacertosa, Anna	49 Elm St. Valley Stream, NY 11580	100,000.00	50,000.00
10725-00701	10/24/2006	Lacertosa, Anna & Marie	49 Elm St. Valley Stream, NY 11580-5007	100,000.00	50,000.00
10725-00976	11/3/2006	Leonard & Barbara Baker Revocable Trust	C/O Leonard & Barbara Baker Co-Tees 6106 Ohio Drive Apt. 1410 Plano, TX 75024	140,000.00	50,000.00
10725-01178	11/3/2006	Leonard & Barbara Baker Revocable Trust	C/O Leonard & Barbara Baker Co-Tees 6106 Ohio Drive Apt. 1410 Plano, TX 75024	140,000.00	50,000.00
10725-00839	11/13/2006	Liem Family Trust	3324 East Valley Vista Lane Paradise Valley, AZ 85253-3739	106,164.59	50,000.00
10725-01280	11/10/2006	Liem Family Trust	3324 East Valley Vista Lane Paradise Valley, AZ 85253-3739	106,164.59	50,000.00
10725-00687	10/20/2006	Lora & Loyal Crownover Family Trust	C/O Loyal Crownover Trustee 2213 Plaza Del Puerto Las Vegas Nv 89102-4045	600,000.00	200,000.00

EXHIBIT A

2418603.1